



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,959	08/08/2001	Thomas H. Hebert	380803.00030	2006
34802	7590	09/12/2005	EXAMINER	
HOLLAND & KNIGHT LLP ATTN: STEFAN V. STEIN/ IP DEPT. POST OFFICE BOX 1288 TAMPA, FL 33601-1288			BARNIE, REXFORD N	
		ART UNIT		PAPER NUMBER
				2643

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/924,959	HEBERT, THOMAS H.	
	<b>Examiner</b>	<b>Art Unit</b>	
	REXFORD N. BARNIE	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 February 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*Rexford Barnie*  
**REXFORD BARNIE**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 7 and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey et al. (US pat# 5,481,481) in view of Mathur et al. (US Pat# 4,916,909).

Regarding claim 1, Frey et al. teaches a HVAC support system comprising of a recorder (memory of MDLs) connected to a plurality of sensors and a transceiver (see col. 4 lines 34-38) and a display (14) which can present diagnostic data to a user in (see figs. 7-27) and according to (see fig. 25), one can print inherently through a printer device (not shown).

Frey fails to teach being able to teach an operator who can provide user's input in conjunction with information to be analyzed in detail even though figs. teaches the possibility of being able to use an operator's input.

Mathur teaches a cool storage supervisory controller wherein usage data can be transmitted to a remote location for analysis in (see figs.). According to mathur, usage data can be displayed, printed and a user can provide his/her input for analysis of received data in (see col. 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mathur into that of Frey thus

making it possible to analyze and diagnose received data efficiently and also, enabling a user to make changes or modification in order to further analyze the data to suit his/her preference.

Regarding claims 2-3, The combination teaches a data logger which can be a wireless device and the combination teaches a field support system.

Regarding claim 4, the combination teaches the claimed subject matter.

Regarding claim 5, The combination teaches an interface which can be a central located in the form an interface unit (12 of Frey), which can receive information from a plurality of wireless devices (MDLs + SMs).

Regarding claims 6-7, 9 and 10, The combination teaches being able to receive information specific to a HVAC system which can include diagnostic data as by Frey and usage data, notoriously well known and used for utility billing purposes such as taught by Mathur.

Regarding claim 11, Frey et al. teaches a HVAC support system comprising of a recorder (memory of MDLs) connected to a plurality of sensors and a transceiver (see col. 4 lines 34-38) and a display (14) which can present diagnostic data to a user in (see figs. 7-27) and according to (see fig. 25), one can print inherently through a printer device (not shown).

Frey fails to teach being able to teach an operator who can provide user's input in conjunction with information to be analyzed in detail even though figs. teaches the possibility of being able to use an operator's input.

Mathur teaches a cool storage supervisory controller wherein usage data can be transmitted to a remote location for analysis in (see figs.). According to mathur, usage data can be displayed, printed and a user can provide his/her input for analysis of received data in (see col. 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mathur into that of Frey thus making it possible to analyze and diagnose received data efficiently and also, enabling a user to make changes or modification in order to further analyze the data to suit his/her preference.

Regarding claims 12-17, The combination teaches being able to transmit information via a wireless means or a cable means to a remote station.

Claims 9, 12-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey et al. (US pat# 5,481,481) in view of Mathur et al. (US Pat# 4,916,909) and further in view of Hoog et al. (US Pat# 6,385,510).

Regarding claims 9 and 19, The combination teaches gathering and analyzed data which would be processed and displayed in a report but for the sake of argument fails to teach a customer data sheet.

Hoog et al. teaches a HVAC remote monitoring system in (see figs. And tables 1a-1c) wherein HVAC data can be collected and analyzed using a data sheet and graphs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hoog into that of the combination thus making it possible to analyze data efficiently and take necessary measures, if necessary based on performance data.

Regarding claims 12-17, The combination teaches transmission of data via a wireless or a telephone line to a central facility

Claims 8, 10, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey et al. (US pat# 5,481,481) in view of Mathur et al. (US Pat# 4,916,909) and further in view of Li et al. (US Pat# 6,477,518) or Burns et al. (US pat# 5,189,606).

Regarding claims 10 and 20, The combination fails to teach billing and invoicing associated with HVAC equipments and so forth.

Li teaches a method of knowledge-based engineering cost and weight estimation of an HVAC air handling assembly for a climate control system in (see figs) wherein cost factors can be analyzed via a user interface which could also have a printer in (see disclosure).

Burns et al. teaches a totally integrated construction cost estimating, analysis and reporting system in (see for example cols. 109-112, cols. 91-98) which takes into account HVAC considerations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Li or Burns into that of the

combination thus making it possible to estimate, plan when building a HVAC system, remedy and maintain HVAC failures in part based on cost factors in order to provide cost efficiency.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER  
REXFORD BARNIE  
08/29/05

  
REXFORD BARNIE  
PRIMARY EXAMINER